

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIMOTHY J. WILEY,

Plaintiff,

vs.

WEST GATE BANK, et al.,

Defendants.

8:20CV138

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's "Petition for Dismissal" (Filing No. 7), which the court construes as (1) a motion to dismiss without prejudice, filed pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, and (2) a motion for the return of original documents, or, in the alternative, for copies to be provided.

Plaintiff's motion to dismiss will be granted and judgment will be entered accordingly. However, Plaintiff's second request will be denied.

The court's local rules specify that original documents are discarded after the clerk scans them into the Electronic Case Files System. A party who wishes to have an original document returned after the clerk scans and uploads it to the System must, before submitting the document to the clerk, ask the assigned judge for written authorization for the document's return. NECivR 5.1(e)(2). Plaintiff did not request such authorization here.

The statutory right to proceed in forma pauperis does not include the right to receive copies of documents without payment. 28 U.S.C. § 1915; *see also Haymes v. Smith*, 73 F.R.D. 572, 574 (W.D.N.Y.1976) ("The generally recognized rule is that a court may not authorize the commitment of federal funds to underwrite the necessary expenditures of an indigent civil litigant's action.") (citing *Tyler v. Lark*, 472 F.2d 1077, 1078 (8th Cir.1973)). If Plaintiff requires copies of court documents, he should contact the clerk's office to determine the proper method of requesting and paying for copies.

Accordingly,

IT IS ORDERED:

1. Plaintiff's motion to dismiss (Filing No. 7, part 1) is granted, and judgment shall be entered by separate document.

2. Plaintiff's motion for the return of his original documents, or, in the alternative, for the provision of copies (Filing No. 7, part 2), is denied in all respects.

Dated this 9th day of June, 2020.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge